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THE

MILITIA LAW

OF THE

STATE OF RHODE ISLAND,

PASSED AT THE

SPECIAL SESSION OF THE GENERAL ASSEMBLY,

HELD AT PROVIDENCE,

AUGUST, 1862.

WITH THE LAWS RELATING TO VOLUNTEERS, BOUNTIES, EXEMPTIONS, PROVISION FOR FAMILIES OF SOLDIERS, ETC., ETC.

PRINTED BY ORDER OF THE GENERAL ASSEMBLY.

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☞ The General Assembly convened at Providence, on Monday, the twenty-fifth day of August, 1862, in pursuance of the following Proclamation by the Governor, and adjourned on Saturday, the eighth day of September following, to meet again in Providence, according to law, on the second Monday in January, A. D. 1863.

PROCLAMATION,

By His Excellency, WILLIAM SPRAGUE, Governor of the State of Rhode Island and Providence Plantations.

Whereas, the large bounties given by the several cities and towns in this State for volunteers, for the purpose of obviating a draft, is producing dissatisfaction among the troops of the State, now in the field; And whereas, this system of overbidding by each town in its haste to relieve itself from a draft, is a most pernicious one, and creating a large debt which is unequally divided among the people of the State, when the cause for which it is incurred is that of all its citizens, for the preservation of their common country; And whereas, an undue haste has also been manifested by some of our people to render themselves exempt under the law, from doing military duty.

Under these circumstances, and to take such measures as may be thought most proper in the emergency, to comply with the call of the President to furnish our quota of troops, I have deemed it my duty to convene the General Assembly at a time not provided by law.

Now, therefore, I, WILLIAM SPRAGUE, Governor of the State of Rhode Island and Providence Plantations, in virtue of the powers in me vested by the Constitution of said State, do issue this my proclamation, convening the General Assembly of this State, to meet at the State House, in Providence, on

MONDAY, the 25th day of August, at 11 o'clock, A. M.

And do hereby call upon the members of both Houses thereof, to assemble themselves in their respective Houses, at the time and place aforesaid.

In Testimony whereof, I have hereunto set my hand and affixed the Seal of the State, at Providence, this twentieth day of August, A. D., 1862.

WILLIAM SPRAGUE.

By His Excellency the Governor,

John R. Bartlett, Secretary of State.

Q. C. 7 Dk. 12

MILITIA ACT.

AN ACT TO REPEAL TITLE XXXIV OF THE REVISED STATUTES, AND TO PROVIDE FOR THE BETTER ORGANIZATION OF THE MILITIA OF THE STATE.

CHAPTER 419.

OF THE ENROLLMENT OF THE MILITIA.

It is enacted by the General Assembly as follows:

Town Council shall enroll militia.

SECTION 1. It shall be the duty of the town councils of the several towns, and the boards of aldermen of the several cities, to cause to be made out in the month of April, and on or before the third Monday thereof in each year, a roll of the names of all persons living within the respective limits of such towns or cities, between the ages of eighteen and forty-five years, who are liable to be enrolled by the laws of the United States, and who are not exempted from the performance of military duty by the provisions of this title; which list shall be arranged alphabetically, and shall be delivered into the hands of the clerks of the several towns and cities, who shall seasonably, and before the third Monday of May following, record such roll in a book specially to be kept for that purpose.

Enrollments shall be posted up.

SEC. 2. It shall be the duty of the clerks of the several towns and cities, after recording the names of the persons so enrolled, to forthwith expose copies of such rolls to view, by causing the same to be posted up in their respective offices; in three or more public places in their respective towns; in each ward of their respective cities and voting districts, and which roll shall be open to the examination of any person at all reasonable hours.

Time of being posted up.

SEC. 3. Said rolls shall be exposed to view for at least three consecutive weeks, and shall be deemed to be legal notice to all persons named therein, of the fact of their enrollment, and liability to perform military duty in accordance with the provisions of this title.

Of what the militia shall consist

SEC. 4. All persons so enrolled, including the officers, non-commissioned officers, privates and musicians, of all chartered military companies of the State; the officers commissioned under this title; the members of military bands chartered and attached to any company, regiment or brigade, and such drivers of artillery as may be enlisted into any artillery company, shall constitute and compose the active militia of the State.

Returns, how made.

SEC. 5. The annual returns of the militia shall be transmitted in the month of June, in each year, by the clerks of the several towns and cities, to the adjutant of the brigade, within which such town or city is situated; who shall, after the returns of the several companies have been made to him, as hereinafter provided, compare such returns with the rolls of the several companies, and report to the adjutant general of the State the names of all persons which appear on the list of enrolled militia, and do not appear to be attached to any company.

Persons exempt from military duty.

SEC. 6. The following persons shall be absolutely exempted from military duty in this State:

Those exempted by the laws of the United States, to wit: the vice-president of the United States; the officers, judicial and executive of the government of the United States; the members of both houses of Congress and their respective officers; all custom house officers with their clerks; all post officers and stage drivers, who are employed in the care and conveyance of the mail of the post office of the United States; all ferry men employed at any ferry on the post road; all

inspectors of exports; all pilots, and all mariners actually employed in the sea service of any citizen or merchant within the United States: Also; all persons who have holden the office of governor or lieutenant governor.

Duty of disclosing to assessors names of persons liable to military duty.

SEC. 7. Every keeper of a public inn, tavern or boarding house, and every master or mistress of a family or dwelling-house, shall, upon application of the person appointed by the town council or board of aldermen to make the enrollment directed in this chapter, give information of the names of all persons residing in such inn, tavern or house, liable to enrollment, or to do military duty.

Who to be disenrolled.

SEC. 8. If any non-commissioned officer, or private, shall be adjudged to be a pauper, vagabond or common drunkard, or be convicted of any infamous crime, he shall be forthwith disenrolled from the militia.

CHAPTER 420.

OF CHARTERED COMPANIES.

Chartered companies members to be admitted into.

SECTION 1. The several military companies which have before the first day of January, 1862, been organized under charters specially granted by the General Assembly, or by authority of law, may admit members to a number not exceeding the minimum number of men of which a regiment is composed in the same arm of the service in the army of the United States,—any thing in the respective charters of such companies to the contrary notwithstanding,—and whenever any such company shall be composed of four or more companies of the minimum regulation standard, it shall be organized as a battalion, and be officered accordingly; and whenever it shall be composed of ten full companies it shall be organized as a regiment, and be officered accordingly; but if it shall not be composed of at least four companies of the required standard, it shall be organized by company or companies, and be officered accordingly.

Of battalions.

Of regiments.

SEC. 2. The various military offices which such char-

tered companies are, under the provisions of this chapter, entitled to have, shall be filled by each chartered company at the times and in the manner provided by chapter four of this title.

Provisions of charter not to be impaired.

SEC. 3. Nothing in this chapter contained, shall be construed to impair or to affect the organization of any company under the provisions of its charter; but all such companies may, notwithstanding the organization required of them under the provisions of this chapter, have another and separate organization, according to the provisions of their respective charters, and the same person may, at one and the same time, hold and exercise a commission under the charter organization, and a commission under the organization required by this chapter.

Of commissions.

What duties may be required by officers.

SEC. 4. No officer of a company commissioned in pursuance of an election to an office under the provisions of the charter of such company, shall, as such officer, require from his command the performance of any military duty authorized by the charter or by-laws of such chartered company, upon any day, or at any time when any conflicting duty shall be, by the provisions of this title, legally required of the men who compose such chartered company.

CHAPTER 421.

OF THE ORGANIZATION OF THE MILITIA, AND HOW OFFICERED.

Of brigades.

SECTION 1. The whole militia of the State shall be arranged in one division to be composed of five brigades.

Arrangement of regiments, battalions and companies.

SEC. 2. The governor shall, from time to time, arrange each brigade into regiments, battalions and companies, conformably to the laws of the United States, and may make such alteration in their arrangement as from time to time may become necessary, or may by him—having regard to the convenience of the troops—be deemed expedient; and each regiment, battalion and company, shall be designated by some letter or number, at the formation thereof, and a record thereof made in the office of the adjutant general.

Persons enrolled may attach themselves to any chartered military company.

SEC. 3. For the purpose of enabling each member of the active militia, not enrolled in any chartered company, to serve, as far as practicable, in such arm of the service as he may prefer, every person may, after he has been for the first time enrolled, and within a specified time to be named by the governor, in general orders to be promulgated throughout the State, attach himself to any chartered military company, (subject to the rules and charter of such company in reference to the admission of members,) or may associate himself with not less than eighty-two other enrolled persons like himself, not belonging to any chartered company, as a company of cavalry, artillery, infantry, or riflemen; and when such company is formed it shall be organized by itself, and every person who shall not, within the time to be prescribed by the governor, avail himself of the privilege of this section, shall be assigned to such company, and to such arm of the service within the town or district where he resides, in such manner as the governor shall, by general order, or otherwise direct. *Provided*, there shall not be to exceed one battalion of five companies of artillery, and one battalion of cavalry to each brigade. *And Provided further, however*, that if any number of persons, less than the minimum number required by this section, shall so associate themselves together for the above declared purposes, the governor may exercise his discretion in organizing them into a separate company, or he may assign them to any other company or companies, whether of the same or of other arms of the service within the same town or district.

Organization of companies

Of cavalry and foot artillery.

SEC. 4. Companies of cavalry and foot artillery, which now are, or which may be hereafter organized within this State, and which are inconveniently located for regimental organization, may be attached to such brigade as the governor shall order and direct. Other companies inconveniently situated shall remain under their respective commanders, subject to the orders of the governor, through the commander of the nearest regiment to whom such commanders shall make their returns.

Exemptions from military duty, how procured.

SEC. 5. The certificate of the commander of any military company, that the person named therein is attached to his company, and has done military duty at

all times required by law, shall exempt such person from the penalties hereinafter provided for the non-performance of military duty, and shall entitle him to vote in accordance with Sec. 2, Art. 2, of the constitution.

Of officers.

SEC. 6. The officers and non-commissioned officers of the militia shall be as follows: The governor for the time being shall be commander-in-chief, and he shall command, except when the militia are mustered into the service of the United States, and he shall be entitled to appoint his own aids, who shall have the rank of colonel.

The Commander-in-Chief.

Major-general and his aids.

SEC. 7. There shall be one major general, who shall command the division; he shall appoint such number of aids, as in the discretion of the commander-in-chief, the exigencies of the service may require.

Brigadier general and his aids.

SEC. 8. There shall be to each brigade one brigadier general, who shall command the brigade for which he is elected; he shall be entitled to appoint the same number of aids with the rank respectively which they have in the army of the United States.

Their rank.

Adjutant general.

SEC. 9. There shall be an adjutant general, who shall have the rank of a brigadier general; he shall perform the duties of inspector general, and shall be the chief of the staff department; and all orders to and returns and reports from the other officers of the staff department shall be made through and to him.

His duties.

Quartermaster general

SEC. 10. There shall be a quartermaster general, with the rank of brigadier general, who shall have the care and custody of all arms, equipments and military property belonging to the State.

Paymaster general.

SEC. 11. There shall be a paymaster general, with the rank of colonel.

Surgeon general.

SEC. 12. There shall be a surgeon general, with the rank of colonel.

Judge-advocate general.

SEC. 13. There shall be a judge advocate general, with the rank of colonel.

Commissary general.

SEC. 14. There shall be a commissary general, with the rank of colonel.

SEC. 15. The officers named in the six sections next preceding shall be attached to the staff of the governor, and shall constitute the staff department of the State. They shall receive such compensation for their services as shall from time to time be ordered by the General Assembly, and may each, with the approval

The staff department of the State.

of the governor, appoint not exceeding two assistants, who shall have the rank of captain. The adjutant general and quartermaster general may also, with the approval of the governor, employ such number of clerks in their respective departments as the prompt despatch of the public business may require, at a compensation not exceeding one dollar and fifty cents per day for every day of actual employment.

Of clerks and their pay.

SEC. 16. Whenever the exigencies of the service shall require, the officers in the six sections above named shall organize their respective departments, in conformity with the system established in the army of the United States, and shall appoint such officers necessary for the purpose as shall be approved by the commander-in-chief.

Staff department; how organized.

SEC. 17. Each regiment, battalion, or company of troops, in the various arms of the service composing the militia of the State, shall have the same number and grade of commissioned and non-commissioned officers, and shall in all respects be organized in the same manner as troops in the same arm of the service are, or from time to time may be, officered and organized in the army of the United States.

Number and grade of officers.

SEC. 18. When serving in the field with troops, in the absence of the Governor, all officers of the staff department shall be subject to the orders of the officer of the line highest in rank commanding the troops assembled.

Staff officers in the field; whom to obey.

SEC. 19. Whenever any office of the line or staff is vacant, or such officer be sick or absent, the duties of such officer shall be performed by the officer next in rank in the line, or in the department of the staff, until the vacancy be filled or the disability be removed. *Provided*, the Governor may appoint some person to fill any vacancy until the same shall be filled by a regular election or appointment.

Officers absent, whom to succeed.

SEC. 20. Whenever a company shall have neither commissioned nor non-commissioned officers, the commanding officer of the battalion or regiment to which such company belongs, shall appoint suitable persons of said company to be non-commissioned officers of the same; and the senior non-commissioned officer of a company without officers shall command the same, except

Companies attached without officers; how supplied.

upon parade, and except as provided in the following section.

Power to detail officers to drill such company.

SEC. 21. Whenever any company shall, from any cause be without officers, the commanding officer of the battalion or regiment to which such company belongs, may detail some officer of the staff, or of the line of the regiment, to train and disipline said company, until some officer shall be elected or appointed; and such officer so detailed, shall have the same power and authority, and be subject to the same liabilities, as if he were captain in said company; and he shall keep the records of the company.

CHAPTER 422.

OF THE ELECTION, APPOINTMENT, COMMISSIONS, WARRANTS AND OATHS OF OFFICERS.

General Staff how elected.

SECTION 1. The adjutant general, quarter master general, paymaster general, surgeon general, judge-advocate general and commissary general, shall be elected by the General Assembly in grand committee.

Maj general.

SEC. 2. The major general shall be elected by the General Assembly in grand committee.

Brigadier generals.

SEC. 3. The brigadier generals of brigades shall be elected by the General Assembly in grand committee.

Staff officers in general.

SEC. 4. Field officers of regiments and battalions shall be elected by the written votes of the captains and lieutenants of the companies of the respective regiments or battalions.

Captains and subalterns

SEC. 5. Captains and lieutenants of companies shall be elected by the written votes of the non-commissioned officers and privates of the respective companies.

Regimental Staff; how appointed.

SEC. 6. The officers and non-commissioned officers composing the regimental staff, shall be appointed by the commanding officer of the regiment or battalion to which they are attached, who shall forthwith return the names of the same to the commanding officer of the brigade of which such regiment or battalion forms a part.

Non-com-

SEC. 7. Non-commissioned officers of companies shall

be appointed by the captains of their respective companies, who shall forthwith return the names of the same to the commanding officer of the regiment or battalion. Non-commissioned officers; how appointed.

SEC. 8. Elections for the purpose of choosing the company officers shall be holden by each company upon the second Monday of May, one thousand eight hundred and sixty-three, and on that day every third year thereafter, one week's notice, in writing, being given of such election by the clerk of the company to each member thereof. Each officer shall be separately voted for, and the person who receives a majority of the written votes of the electors present at such meeting shall be deemed elected, and the presiding officer shall forthwith notify him of his election, and make return thereof to the commanding officer of the regiment or battalion to which such company is attached. Of elections for company officers.

SEC. 9. Elections for the purpose of choosing the field officers of the several regiments shall be holden by the captains and lieutenants of the several companies comprising each regiment on the 1st Monday of June, one thousand eight hundred and sixty-three, and on that day every third year thereafter. Notice, in writing, for one week, of such election, shall be given by the adjutant to each qualified elector. Each officer shall be separately voted for, and the person who receives a majority of the written votes of the electors present at such meeting, shall be deemed elected, and the presiding officer shall forthwith notify him of his election, and make return thereof to the brigadier general, or other officer in command of the brigade to which the regiment is attached. Of elections for field officers.

SEC. 10. At all meetings for the election of officers, some person, other than one of the then incumbents of the several offices to be filled, shall be chosen to preside. Presiding officer at elections.

SEC. 11. Returns of all officers elected made to commanders of regiments or battalions, shall be reported by such commanders to the brigadier general, or person in command of the brigade, who shall forthwith certify the same to the adjutant general. Of returns of officers elected.

SEC. 12. The commanding officer of each company shall, under his warrant, appoint a clerk of the company, who shall keep a record of the proceedings at all busi- Of a clerk.

ness meetings of the company, and shall certify all copies of the same.

Tenure of office.

SEC. 13. All officers elected by the General Assembly under this chapter, shall hold their respective offices for the term of five years from the time of their election, unless sooner removed, and until others are elected or appointed and qualified to act in their places.

Tenure of office of field officers.

SEC. 14. All field officers and commissioned officers of companies, shall hold their respective offices for the term of three years, unless sooner removed, and until others are elected or appointed and qualified to act in their places.

Tenure of officers elected under charters.

SEC. 15. The officers of chartered companies elected under the charter organization, shall hold their offices as by the charters of their respective companies is provided.

Commissions; how signed.

SEC. 16. All commissions shall be signed by the Governor, and countersigned by the Secretary of State and shall bear the seal of the State. Each commission shall name the date of the election or appointment of the officer, and shall be dated as of that day.

Aids to Governor; tenure of their office.

SEC. 17. The aids of the Governor, the aids of the major general, the aids of the brigadier general, and all other staff officers or assistants, including officers and non-commissioned officers of the regimental staff, shall hold their respective offices, unless sooner removed, during the term of office of the officer by whom they were appointed.

Warrants of non-commissioned officers.

SEC. 18. All non-commissioned officers of regiments, or battalions, shall receive a warrant from the commanding officer of the regiment, or battalion, to which they belong, and all non-commissioned officers of companies shall receive a warrant from the commanding officer of such company, which warrants may be revoked by the commanding officer who granted them; but in such case, the fact of such revocation, and the reason therefor, shall be reported by such commanding officer to the brigadier general, who may approve or disapprove of such revocation; and if such revocation is not approved, such non-commissioned officer shall be restored to duty.

Rank of commissioned officers of same grade.

SEC. 19. All commissioned officers of the same grade shall take rank according to the respective dates of their commissions; and when two or more of the same grade bear an even date, their rank shall be determined

by lot, to be drawn by them before the commanding officer of the division, brigade, chartered company or detachment, or the president of a court martial, as the case may be; and whenever an officer shall be transferred to another corps or station of the same grade, the date of his original commission or appointment of the same grade, shall be the date of his commission, regard being had to continuous service in such grade. Of transfers.

SEC. 20. Whenever any officer shall lose his commission, he shall, on application to the Governor, be entitled to a duplicate commission of the same grade and date, on his affidavit of the fact of such loss made before a justice of any court in this State. If commissions is lost.

SEC. 21. All commissions shall be delivered to the adjutant general, and by him to the persons for whom they are intended, and every person who shall receive a commission shall, within ten days after its reception, make known, in writing, to the adjutant general his acceptance of such commission, or shall be deemed to have declined the same. Commissions; by whom to be delivered.

SEC. 22. If any person other than those elected by the General Assembly shall be elected to any military office, and such person shall be in the opinion of the Governor, an unsuitable person to fill such office, the Governor shall order a new election; and if the person who has been once disapproved shall be again elected, the Governor shall appoint some suitable person to such office. Officers not elected by the Assembly. Governor may appoint officers.

SEC. 23. Whenever from any cause any military office shall become vacant; or whenever there shall be a failure to elect any person to fill any office authorized by this title, or any person elected shall decline to serve, the Governor may appoint some suitable person to fill such office, to hold and exercise the same until such person has been, according to law, elected and qualified to act. When vacancies occur.

SEC. 24. Each commissioned officer, before he shall enter on the discharge of the duties of his office, shall take and subscribe the following oath and declarations, before some justice of the peace, or other magistrate, or town clerk; on the back of each commission the following form of the oath shall be printed, to wit: "I do solemnly swear, (or affirm), that I will bear true faith and allegiance to the State of Rhode Island and Oath to be taken by commissioned officer.

Providence Plantations; that I will support the constitution and laws thereof, and the constitution and laws of the United States; and that I will faithfully and impartially discharge all the duties incumbent upon me as to the best of my abilities and understanding, according to the laws of this State and of the United States; so help me God:" Or, ("This affirmation I make and give upon the peril of the penalty of perjury.") On the back of each commission the following form of certificate shall be printed, and signed by the person before whom such officer shall be qualified, to wit: "This may certify that commissioned within named, appeared this day of , A. D. and took and subscribed the oath and declaration prescribed by the laws of this State, before me." (Signed, &c.)

Governor may appoint officers after enrollment.

SEC. 25. After the militia shall have been enrolled and arranged into companies, regiments and brigades, the Governor may appoint such officers as may be necessary to organize and command the same, whose offices shall continue until their successors are elected or appointed and qualified to act under the provisions of this title.

CHAPTER 423.

OF ARMS, EQUIPMENTS, ARMORIES, AND MILITARY PROPERTY.

Of uniforms.

SECTION 1. Officers of the line and staff of the militia, including all officers of the chartered military companies, shall provide themselves with such uniforms complete as the Governor shall, from time to time, prescribe; and every such officer unreasonably neglecting, or refusing so to uniform himself for a period of thirty days after the promulgation of any general order directing a uniform, or for the same period shall unreasonably neglect or refuse to conform to any change which may be directed by the Governor, shall be deemed to have vacated his office, and shall be liable to be degraded to the ranks, upon the sentence of a court martial.

Penalty for not providing uniform.

Every officer, non-commissioned officer and private, shall hold his uniform arms and equipments furnished by himself, free from all suits, distresses, execution, or sales for debts or taxes, and the arms, equipments, uniforms, and other military property belonging to any chartered company, and which may be necessary for the military purposes of their organization, shall be, in like manner free and exempt. Arms and equipments free from execution or taxes.

SEC. 2. The board of aldermen of the several cities, and the town councils of the several towns, shall provide for the companies of militia within the limits of their respective places, as many suitable armories or places of deposit for the arms, equipments and equipage furnished to said companies by the State, as in the opinion of said board of aldermen or town council is necessary. When a company is formed from different places, the location of such armory or place of deposit, shall be established with regard to the convenience of a majority of the members of the company. Of armories and deposit for arms.

SEC. 3. They shall annually, in the month of December, transmit to the office of the quartermaster general, a certificate, verified by the oath or affirmation of at least two of their respective bodies, showing the number of armories in their respective places; the names of each company occupying the same; the amount paid for the rent thereof, and stating that a majority of their respective bodies consider such armory necessary for the use of such company, and that the rent charged therefor is fair and reasonable, according to the value of real estate in their place. Returns of armories and rents.

SEC. 4. The quartermaster general shall annually examine all certificates so returned to his office, institute any inquiries he deems expedient relative thereto, and allow them in whole or in part, to an amount not exceeding one hundred dollars for one company. He shall within ten days after such examination, file in the office of the auditor his certificate, stating the sums allowed, the name of the company for whose use each sum is allowed, and the place to which it belongs, and shall thereupon notify the board of aldermen or town council of the sum allowed to their place, which sum shall be paid upon the warrant of the Governor to such board of aldermen or town council. Returns to be examined by quartermaster. Allowances by quartermaster.

SEC. 5. The Governor may at any time detail an of- Inspection of armories.

ficer to examine any armory, and report the condition thereof, and of the arms, equipments and equipage therein deposited.

Arms and equipments how supplied.

SEC. 6. The quartermaster general shall, upon the requisition of the commanding officer of each regiment, separate battalion, or unattached company of the militia, deliver as a loan from the State, a ratable proportion of the arms, equipments and camp equipage which may be in the possession of the State; and each officer to whom such property is delivered, shall be responsible for the safe keeping of the same, and for their return upon the demand of the quartermaster general; and in case of the discharge or death of such officer, he or his legal representative shall be released from such responsibility, upon filing in the office of the quartermaster general a certificate of the officer succeeding him in command, that the articles of property as furnished are at the date of the certificate in good order and condition, reasonable use and wear thereof excepted.

Commissioned officers responsible for arms, &c

SEC. 7. The commissioned officers of each company shall, from the time of their being qualified, be responsible for the safe keeping and return of all arms, equipments and equipage furnished by the State, and in the possession of the company which they command, and for any loss of or damage thereto, compensation may be obtained by an action of the case brought by the quartermaster general in behalf of the State against all or any of such officers.

Field artillery, how furnished.

SEC. 8. Each company of foot artillery shall be provided by the quartermaster general—if the State is in possession of the same—with the battery of manœuvre prescribed for that arm by the war department of the United States, with caissons, harness, implements, battery wagon, laboratory and ordnance stores, which may from time to time be necessary for their complete equipment for the field; and when a state of war or danger thereof, renders target practice expedient in the opinion of the Governor, such quantity of ammunition, annually, as he deems necessary to be expended in experimental gunnery. The commissioned officers of each company shall be accountable for the preservation of the pieces, apparatus and ammunition aforesaid, and for the proper expenditure of the ammunition, and for any injury or damage to the same occurring by the

Who responsible for artillery, etc.

negligence or default of said company, compensation may be obtained therefor by the quartermaster general, in an action of the case, to be brought against all or any of said officers.

Penalty for retaining arms and equipments.

SEC. 9. If any person, whether of the enrolled militia, or not, shall retain in his possession after demand therefor, on the part of any officer entitled to the possession thereof, any of the arms, equipments, equipage or military stores, or property of the State, and shall neglect or refuse to restore the same to such officer when so demanded, such person shall forfeit not less than five times the value of such property so detained.

Books of tactics, etc.; under whose charge.

SEC. 10. All books of tactics deposited with the State by the government of the United States, all books purchased by this State for the use of the militia of the State, and all other military books belonging to the State, and all necessary blanks, shall be under the charge and control of the adjutant general. He shall issue one copy of all books of tactics to each general and staff officer, except officers of companies. One copy of such book of tactics as may be suitable for the arm of service to which each company belongs, or to the arm with which such company is furnished; one copy of all other military books which may be furnished by the State, and all necessary blanks to each commissioned officer.

How supplied.

How accounted for.

SEC. 11. Such books and blanks shall be receipted for by each officer receiving the same, to be held and accounted for by him as public property. No resignation shall be accepted until such books and all other public property delivered to such officer shall be delivered to his successor, or to the adjutant or quartermaster general, or satisfactorily accounted for, and in case the same are not accounted for, double the value of such books or other property may be recovered of any such officer, his executors or administrators, in an action of the case, in any court of this State competant to try the same, at the suit of the adjutant general.

Disbursing officers to give bonds.

SEC. 12. The paymaster general and all other officers commissioned under this act, into whose hands shall be placed public moneys or other public property, to the amount of more than five hundred dollars, shall give bond for the faithful discharge of the duties of their respective offices, in such form and in such amount as may be required by the Governor.

Expenses for transportation; how allowed and by whom paid.

SEC. 13. The commanding officer of such companies, on each occasion when required to do military duty by the provisions of this title, or when his company is otherwise legally required to do any military duty, shall be allowed all necessary expenses for transportation of equipage or military stores; and the commanding officer of each company of foot artillery shall, on like occasions, be allowed the necessary expenses for horses to equip his battery. Such accounts shall be presented to the quartermaster general, who shall examine and audit each of the same, and draw his order upon the State auditor in favor of each commanding officer for the amount allowed by him on each occasion.

The Governor may sell or exchange military stores.

SEC. 14. The Governor may, with the advice and consent of the Senate, sell or exchange from time to time, such military stores belonging to the quartermaster general's department, as are found unserviceable or in a state of decay, or which they think it for the interest of the State to sell or exchange.

CHAPTER 424.

OF DISCIPLINE, INSPECTION, TRAINING AND REVIEW.

System of discipline and exercise.

SECTION 1. The system of discipline and field exercise ordered to be observed from time to time by the army of the United States in the different corps, or such other system as hereafter may be directed for the militia by laws of the United States, shall be observed by the militia of this State.

Inspection and drill of chartered companies.

SEC. 2. The commander of every regiment, battalion, and unattached company, shall order the officers and non-commissioned officers under his command, to assemble at some place by him to be appointed, not less than four times in any one year, for the purpose of receiving instruction in their respective duties; and if the places of any such officers in a company are vacant, the commander thereof shall detail from the privates under his command, a sufficient number to make up the deficiency.

Duty of com-

SEC. 3. The commanding officer of each company of

the militia, organized under the provisions of this title, shall, at stated intervals, not less than four times in each year, order his company to assemble at their armory, or other convenient place, for the purpose of being drilled and instructed in the manual of arms, and in the school of the company. manding officer.

Sec. 4. The commanding officer of each company shall order out his company on some day in the month of June, annually, to be appointed by the brigadier general commanding the brigade, at an hour not later than nine o'clock, a. m., for inspection and drill, and shall keep his company under orders at least until four o'clock, p. m., and longer if he deems it necessary; and he shall inspect, examine, and take an exact account of the equipments of his men, note all the delinquencies of appearance and deficiencies of equipments, and correct his roll and report the same to his commanding officer, to be by him transmitted to the adjutant general, in order that a thorough inspection may be made of all the active militia in this State; and every commanding officer of a company shall faithfully train and discipline his company on said day, as well as inspect them. Inspection and drill of chartered companies.

Sec. 5. Unless the Governor shall otherwise prescribe the time, place and manner of assembling the troops for the purposes declared in this section, each commander of a brigade shall, annually, by a general order to be promulgated throughout his brigade, designate some day in the month of September or October, and some convenient place, for each regiment, battalion, or unattached company, to assemble for the purpose of being instructed, disciplined and improved in martial exercises. Brigade trainings.

Sec. 6. When two or more regiments are conveniently located, the brigadier general may order them to assemble at the same rendezvous, and may instruct them in the evolutions and exercises of a brigade. Regimental trainings.

Sec. 7. It shall be the duty of each brigadier general to be present at each regimental training throughout his brigade, inspect and review the same, and instruct it in military evolutions; and to enable him so to do he shall, by general order, arrange the times for the assembling of the different regiments so as to perform this duty. Duty of brigadier generals, etc.

Orders for assembling regiments.

SEC. 8. The order for the assembling of each regiment, or battalion, shall be promulgated throughout each regiment, or battalion, ten days before the day appointed for each regiment or battalion, to assemble.

Of trainings.

SEC. 9. The trainings above mentioned are to be included in the number of trainings prescribed in the charters of the several chartered military companies.

Rank of brigades and regiments in the field.

SEC. 10. Each brigade and regiment when in the field, shall take rank according to the date of the commission of the commanding officer of the same grade; and each company shall form according to the rank of the officers present commanding them, having due regard to the arm of the service to which said corps belongs.

Power to fix limits of parade grounds.

SEC. 11. Every commanding officer when on duty is hereby authorized to ascertain and fix necessary bounds and limits to his parade, not including any road on which people travel, so as to obstruct the same or prevent their passing, for more than two consecutive hours, within which no person shall have a right to pass or enter, without leave from such commanding officer, and the commading officer of any division, brigade, battalion, regiment, or company may put under guard every person who shall encroach upon the parade ground; and also any spectator or bystander who shall abuse, molest, or strike any one when on parade or under arms.

Arms not to be shotted on parade.

SEC. 12. No non-commissioned officer or private shall without orders from his superior officer, come on to any place of parade with his musket, rifle or pistol loaded with balls, slugs, shot or other dangerous substance, or shall so load the same while on parade.

Exemption from military duty on election days.

SEC. 13. No officer, non-commissioned officer or private, shall be compelled to do military duty on any day appointed for town, city or ward meetings, or for the election of any civil officer, in the town or city in which he shall reside, unless it be in the case of invasion, insurrection, riot or tumult threatened.

Orders; by whom to be distributed.

SEC. 14. All general orders shall be distributed by the adjutant general; all brigade orders by the adjutant of the brigade; all regimental orders by the adjutant, and all company orders by any non-commissioned officer or private, when required by the commanding officer. *Provided, however*, that if either of these officers shall be sick, absent, or unable to distribute such orders,

or either of such offices shall be vacant, the orders may be distributed by any other officer detailed for that purpose by the officer issuing the orders.

Commander-in-chief may order out militia.

SEC. 15. The Governor shall have power to order out the whole or any part of the militia, as may seem to him expedient, for review, the performance of escort, and other duties.

Power to prevent gambling and drinking booths.

SEC. 16. The mayor of any city, the sheriff and deputy sheriffs of any county, the town sergeants and the constables of any town or either of them, on complaint made to them under oath, that the complainant has reason to believe and does believe, that any booth, shed, or temporary erection, situated within three miles of any military encampment or training field, is used and occupied for the sale of spirituous or fermented liquors, or for the purpose of gaming for money, or other property, shall, if they consider the complaint well founded, order the owner or occupant thereof to vacate and close the same immediately, and if the owner or occupant shall refuse or neglect so to do, the said mayor, or the sheriff or deputy sheriff, town sergeants or constables, or either of them, shall forthwith abate such booth, shed, or other temporary erection, as a nuisance, and pull down or otherwise destroy the same, in any manner they may choose, or through the agency of any force, civil or military, which they may see fit to employ.

Exemption of officers and privates from arrest

SEC. 17. No officer, non-commissioned officer or private shall be arrested on any civil process on the day before, or the day after, or the day on which he is required to perform military duty by the provisions of this title.

CHAPTER 425.

OF VOLUNTARY MILITARY SERVICE AND PARADES.

Of funeral escorts.

SECTION 1. Nothing in this title contained shall be construed to prevent any regiment, battalion or company from meeting for funeral escort, parade or other voluntary duty, nor to impair the corporate privileges of any chartered company in these respects.

Voluntary parades of regiments; who shall command.

SEC. 2. At all voluntary parades of more than one regiment, or of parts of different regiments, or battalions constituting together more than one regiment, the brigadier general of the brigade within whose limits the parade is held, may take command. In the absence of the brigadier general, the officer present highest in rank shall assume command, and if two or more officers of equal rank are present, claiming command, the senior officer shall outrank the others; and between officers of the same grade and date of commission, the right to command shall devolve upon the officer commanding the regiment, or part of a regiment, highest in grade which is present at such parade.

Voluntary parades of companies.

SEC. 3. At all voluntary parades of companies from different regiments, they shall be formed into battalions or regiments, according to the number of such companies in their respective regiments, as near as may be, and their places in the line shall be determined accordingly; and the right of command shall be determined by the provisions of the next preceding section; *provided*, that at all voluntary parades of troops, constituting in the whole, less than one regiment, the brigadier general of the brigade within whose limits the parade is had, shall not take command unless he shall be ordered by the Governor so to do.

CHAPTER 426.

OF ROLLS AND RETURNS.

Rolls and orderly books; by whom kept.

SECTION 1. The adjutant of each brigade, regiment or battalion, and the first sergeant of each company, shall constantly keep a fair and correct roll of the command to which he belongs, and an orderly book in which he shall record orders received and issued, and an account of all fines imposed and for what cause.

SEC. 2. Immediately after the arrangement of the militia into brigades, regiments, battalions and companies, and as soon as their organization has been completed by the Governor, and in the month of September in each year following, the orderly sergeant of

Rolls, how

each company shall make out the roll of his company containing the full names of all officers, non-commissioned officers and privates attached thereto—the names of the privates being arranged in alphabetical order—and shall before the first day of October following, return the same to the adjutant of the regiment of which his company is a part. The adjutant of each regiment shall thereupon record the same, and as soon as the rolls of the several companies have been returned to him, complete the roster of his regiment, and within fifteen days return a copy of the same to the adjutant of the brigade to which his regiment is attached. The adjutant of each brigade shall thereupon record the same, and as soon as he has received the returns from the several regiments, complete the roster of the brigade, and return a copy of the same, on or before the first day of November, together with a list of the names of all persons appearing upon the list of enrolled militia, who do not appear from the regimental returns to be attached to any company, to the adjutant general.

to be kept.

Duty of adjutant.

Sec. 3. The commander of each company shall within ten days after the day upon which his company is required by law to perform any field duty, deliver to the adjutant of the regiment or battalion to which his company belongs, a duplicate roll of his company, with the names of those persons who have from any cause failed to perform the military duty required of them particularly designated :—distinguishing those who by reason of having rendered satisfactory excuse or otherwise, are not liable to a fine, from those who have incurred the penalties hereinafter provided.

Return of commander of company.

Sec. 4. The adjutant of each regiment or battalion shall within ten days after receiving such returns, consolidate the same, by preparing a report stating the number of men in each company who have performed the required duty ; the number of men in each company who have been excused from performing such duty with their excuses briefly stated, and the number of men with their names and the company to which they belong who are liable to a fine for the non-performance of the required duty, and deliver his report, together with the original rolls returned to him, to the adjutant of

Returns to be consolidated by adjutants

the brigade to which his regiment or battalion is attached.

Reports by adjutants of brigades.

SEC. 5. The brigade adjutant of each brigade, shall in like manner consolidate the reports from the several regiments and battalions, and make return of the same, together with a copy of the rolls, to the adjutant general, within ten days after the reports from the several regiments shall have been made to him.

Blank rolls and reports; by whom supplied.

SEC. 6. The adjutant general shall furnish blank forms of rolls and reports, and of the various returns that may be required at the expense of the State, and explain the principles on which they are to be made out, which forms and instructions shall be observed by all officers in making their reports and returns.

CHAPTER 427.

OF DRAFTS AND CALLING THE MILITIA INTO SERVICE.

Order for draft or levy in time of war; how made.

SECTION 1. When an invasion of or insurrection in the State is made or threatened, or when a requisition for troops is lawfully made by the United States upon the Governor to assist in the common defence or to suppress insurrection in any part of the United States, the Governor shall have power to order a draft or levy to be made from the enrolled militia of any town or city, of such number of men as the exigency of the case requires, directing his order therefor to the town council of the town, or to the mayor and aldermen of the city in which such draft is to be made.

By whom and how to be executed.

SEC. 2. Whenever such order is made and directed as aforesaid, it shall be the duty of the town council, or mayor and aldermen, to appoint a time and place of parade for the enrolled militia in each town or city, and to order them to appear at the time and place, either leaving a written notice or orally, and then and there proceed to draft as many thereof, or to accept as many volunteers as is required by the Governor; and the mayor or aldermen, or town council, shall notify the Governor forthwith that they have performed the aforesaid duty.

Power of commander-

SEC. 3. Whenever any invasion of the State, or any

insurrection, riot, or tumult shall be made in any part of the State, the Governor shall call out the militia, or any part thereof, as he may deem expedient or necessary to suppress or repel the same; and he may order out the division or any brigade, regiment, chartered company or companies, or any portion of the same, or cause any number of men to be detached or drafted from them, and cause officers to be detailed, which with those attached to the troops, shall be sufficient to organize the forces; and if such invasion or insurrection, or any imminent danger thereof, be so sudden in any part of the State, that the Governor cannot be informed, and his order received and executed in season to suppress or repel the same, the major general may order out the division, or any part thereof, as the Governor might do; and when the troops are in the field for such purpose, the senior officer of said troops, present, shall command until the Governor or some officer detailed by him, shall appear to take the command.

In-chief and major general, to call out militia.

Troops in field; how commanded.

Sec. 4. Whenever the military force of this State, or any part thereof, shall be called into active service, it shall be subject to the articles of war prescribed by congress for the government of the troops of the United States, or such articles as shall be prescribed by the general assembly; and when any draft from the militia into the service of the United States shall be ordered, the non-commissioned officers and privates, except so many as shall voluntarily offer to serve, shall be drafted by lot from the company, and the officers detailed from the roll.

Of subjection to articles of war.

Drafting men.

Sec. 5. If any company without officers be ordered to march, or any draft or detachment therefrom ordered, the commanding officer of the regiment to which said company belongs shall detail some officer to command them, who shall have the same authority to command them to appear, and to command them in the field, and to make any draft or detachment therefrom, as though he were captain of said company, and shall have the same responsibility.

Companies drafted, &c., how commanded.

Sec. 6. When in any county in this State, there shall be any tumult, riot, mob, or any body of men acting together, with intent to commit felony, to offer violence to persons or property, or in any other way to resist the laws of the State by force of arms, or by vio-

Power to call out militia in time of riot.

lence, or when any of said acts shall be threatened, and the fact made to appear to the Governor, or to the sheriff of said county, or to either of the justices of the supreme court, or to the president of the town council, in any town, or in any city, to the mayor of such city in the first instance, or in his absence, to the board of aldermen, the Governor shall issue his order, or such justice, sheriff, president, mayor, or board of aldermen, shall issue his or their precept, properly signed, directing the commanding officer of the division, brigade, regiment, battalion, or chartered company, as the case may be, to order out his command, or any part of the same, to suppress such riot, tumult or mob, and to prevent the perpetration of any such felony, or act of unlawful violence.

Orders to whom to be issued.

Troops; where to appear.

SEC. 7. The troops so ordered into service shall appear at the time and place appointed, and shall obey and execute such orders as they may then and there lawfully receive.

CHAPTER 428.

OF EXEMPTIONS BY BODILY INFIRMITY, AND OF RESIGNATIONS AND REVOCATION OF COMMISSIONS.

Duty of surgeons in granting certificates of disability.

SECTION 1. No surgeon, assistant surgeon or physician, appointed to grant certificates of disability to persons who have been enrolled as a part of the militia of this State, shall grant any certificate of inability to perform military duty on account of any bodily infirmity without making a personal and critical examination of the applicant, and shall not grant a certificate of bodily infirmity or inability unless such infirmity or inability be beyond all doubt such as to render the applicant unable to perform military duty.

SEC. 2. In all cases when any person applies for a certificate of disability, he shall be examined under oath by the surgeon, assistant surgeon or physician, who are hereby authorized to administer such oath, and all persons receiving certificates shall be liable to re-examination by the surgeon general, if the Governor shall direct.

Upon what certificate of

SEC. 3. Whenever any regiment or chartered com-

pany is without a surgeon, or when any person may claim to be exempt from military duty by reason of bodily infirmity or disability, and shall not reside within ten miles of the surgeon or assistant surgeon of the regiment, any respectable physician within said distance, may grant him a certificate, subject to the restrictions contained in the two preceding sections, and the commanding officer of any company is authorized to exempt any person of his company from military duty on the presentation of such certificate from the surgeon or assistant surgeon, or a physician as aforesaid, either for a longer or shorter period, not exceeding one year, as in the judgment of the commanding officer, the case may demand.

Inability members may be excused.

Sec. 4. All resignations shall be in writing, and shall be approved and certified as follows: the resignation of the major general and of any officer attached to the Governor's staff, shall be made to and approved by the Governor; the resignation of a brigadier general or any officer attached to the staff of the major general, shall be approved by the major general; the resignation of a field officer and of any officer attached to the staff of the brigadier general, shall be approved by the brigadier general of the brigade to which such field or staff officer belongs; and the resignation of a captain or lieutenant shall be approved by the commanding officer of the regiment to which such captain or lieutenant shall belong or be attached, and by the brigadier general of his brigade.

Of resignations; how made.

Resignations by whom to be approved.

Sec. 5. The major general, brigadier general or commanding officer of a chartered company or regiment who shall approve of any resignation aforesaid, shall certify the same to the Governor, who shall have the power to allow or disallow thereof at his discretion. And no officer shall be considered as having resigned his commission unless the same shall have been approved and certified as aforesaid and allowed by the Governor.

The governor has power to accept resignations.

Sec. 6. The Governor may revoke and cancel the commission of any officer and discharge him from the service, in his discretion.

The governor may revoke commissions and warrants.

Sec. 7. Such revocation, cancellation and discharge shall not be effectual if within ten days after receiving notice thereof, such officer shall demand of his immediate superior to be informed of the cause thereof and to be tried by a court martial.

Officers may demand court martial.

Preferring charges.

SEC. 8. If such demand be made, it shall be the duty of the officer on whom it is made to transmit the same to the Governor, who shall give such officer the required information and see that charges are duly preferred, and that a court martial be convened to try the same.

CHAPTER 429.

OF FINES AND PENALTIES.

Offences of commissioned officers; penalties for

SECTION 1. All offences committed by general, field commissioned and staff officers, and surgeons, whether consisting in disobedience of orders, or unofficerlike conduct while on duty, or during any day appropriated to military exercise, inspection or review, or in neglect or violation of any duty imposed upon them by law as officers of the militia; or in neglecting or refusing to make any return required by this title, and whether committed in times of quiet, or of invasion, insurrection, riot or tumult, shall be punished by courts martial, according to the usage and practice of war, by a fine not exceeding five hundred, nor less than twenty dollars; by imprisonment not exceeding six months; cashiering, with or without disability of ever after holding any military office in the State; or reprimand; either or all with costs at the discretion of the court said fines and costs to be collected for the use of the State, by warrant of distress, under the hand and seal of the president of the court martial imposing the same, directed to the sheriff of the county in which the convicted officer shall reside, who shall pay over the fine so collected to the paymaster general.

Fines; how collected.

Imprisonment; how executed.

SEC. 2. The president of the court martial which shall impose upon any officer the penalty of imprisonment, shall by a mittimus in common form, under his hand and seal, have power to commit the convicted officer to the jail of the county in which he shall reside, for the term of his sentence; and all sheriffs, deputy sheriffs and jailers are directed to govern themselves accordingly.

Offences of non-commissioned

SEC. 3. Any non-commissioned officer or private who shall, while under arms or on any required or voluntary

duty, behave himself with contempt of any officer, disobey any order, or who shall conduct in a disorderly manner, join in or excite any riot or tumult, or appear in any fantastical dress, or with other arms and accoutrements than what the law requires, or who shall be guilty of any other unsoldierly conduct, shall be put under guard by the officer commanding the field, or by his order, for a time not exceeding the time the troops shall be under arms, and shall in addition thereto, be liable to a fine not exceeding twenty dollars, to be recovered by complaint and warrant before any justice of the peace, one half thereof to and for the use of the complainant, and the other half to and for the use of the State, or to be imprisoned, at the discretion of the court trying such offender, not exceeding ten days.

officers and privates.

Punishment for.

Sec. 4. Every non-commissioned officer who shall neglect or refuse to make any return required of him by law, or who shall neglect to keep a complete roll of the company to which he belongs, if it is his duty so to do, shall have his warrant revoked, and shall be fined a sum not exceeding twenty dollars.

Fines for not making returns.

Sec. 5. Every non-commissioned officer or private who shall neglect or refuse to appear at any company or regimental training, or to perform any other parade, escort or field duty when legally required so to do, shall be fined not less than two nor more than ten dollars.

Fine for non-appearance at trainings.

Sec. 6. For all fines incurred under the provisions of the two sections next preceding, the commanding officer of each company, shall within five days after the penalty has been incurred, notify the delinquent of the amount of the fine to which he has made himself liable, and if such delinquent shall fail to excuse himself to the satisfaction of the commanding officer within five days after such notice is given, then the commanding officer shall issue his warrant and deliver it into the hands of the sheriff, his deputy, or any town sergeant or constable in the town or county in which such delinquent resides who are hereby required to execute the same. Said warrant may be levied on the goods and chattels of the delinquent, and for want thereof, upon his body, in which case the officer shall commit him to jail, there to be kept until such fine with lawful fees for warrant and service and jail fees be paid, not exceeding, however, a period of ten days.

Duty of officer when fines are not paid.

Levy may be made on goods or delinquent committed to jail.

Fines to whom to be paid over.

SEC. 7. The commanding officer of each company shall pay over to the paymaster general all fines collected or received by him, and account for the non-collection of any fine due from any member of his company at such times and in such manner as that officer shall direct.

Returns of persons who have incurred fines.

SEC. 8. The adjutant general shall certify to the paymaster general, from time to time, a list from the returns in his office of all persons who have incurred any fine, and the paymaster general shall require the commanding officer of each company at such times and in such manner as he may by general rule or otherwise prescribe, to account to him for all fines which by such return appear to be due from such company.

Neglect of officers in paying over fines.

SEC. 9. If any commanding officer of a company, or person in whose hands is any money due to the State for fines or forfeitures provided by this title, shall refuse or neglect for ten days after any demand made upon him to pay over the money in his hands to the paymaster general, he shall forfeit double the sum of money so retained, and be imprisoned not less than thirty days nor more than six months. Said punishment to be enforced by complaint and warrant before any justice of the peace in the town in which such offender lives.

Neglect of non-commissioned officer to appear when ordered out or drafted.

SEC. 10. In case of war, invasion, insurrection, mobs, riot or tumult, or in case a draft shall be ordered from the militia of this State, under Section 1 of this Chapter, any militia soldier below the rank of a commissioned officer, ordered out, volunteered, detached or drafted, who shall neglect to appear at the time and place designated by his commanding officer, or at the time and place designated by the town council, or mayor and aldermen, or to place himself under the command of the officer of the company into which he may have been drafted or have volunteered, shall forfeit the sum of one hundred dollars, or be imprisoned three months, either or both at the discretion of the court who shall try such offender; said punishment to be enforced by indictment in any court of competent jurisdiction in the county in which the offender may reside; or in time of actual war may be otherwise dealt with, as the articles of war then established may direct.

Punishment for.

SEC. 11. Every town or city whose town council or

board of aldermen shall neglect or refuse in due time to cause to be prepared a list or roll of all persons liable to be enrolled in the militia within the limits of the town or city, for which such town council or board of aldermen is elected, or shall neglect to place the same in due time in the hands of the town or city clerk for record and return, shall be liable for every such offence, to a fine of one hundred dollars, to be recovered by indictment in any court of competent jurisdiction, in the county in which each town and city is located.

Penalty if town councils or aldermen refuse to prepare rolls.

Penalty.

Sec. 12. Any town or city clerk who shall refuse or neglect to record said list or roll of names, or to make due return of the same to the brigade adjutant, or to post up the same as required by chapter 1, section 2, shall for every such refusal or neglect, be liable to a fine of fifty dollars, to be recovered by indictment in any court of competent jurisdiction in the county where such offender lives.

Penalty for neglect to record roll of names.

Sec. 13. Every town or city receiving any sum from the treasury of the State by reason of a false return or certificate, under the third section of chapter 5, shall forfeit a sum not exceeding four times the amount so received, to be recovered by an action of debt in the name of the State, in any court of competent jurisdiction in the county in which such town or city is located.

False returns; penalty for making.

Sec. 14. Any person who shall, without authority so to do, take down, deface or destroy any such roll so posted up, shall be fined three hundred dollars, or be imprisoned three calender months.

Penalty for defacing rolls posted up.

Sec. 15. When information is required by persons lawfully ordered or authorized to make enrollment of those liable to do military duty, or by those acting under them, any person refusing to give information of his name or age, or giving false information concerning the same; and, also, any keeper of a tavern, inn or boarding house, and any parent, master or mistress of a family refusing to give the required information, shall forfeit and pay not exceeding twenty dollars, to be recovered by complaint and warrant, before any justice of the peace in the county in which such offence may be committed.

Penalty for refusing to give information to officers in making enrollment.

Sec. 16. Every spectator or bystander who shall intrude upon the bounds and limits of parades, shall pay

Penalty for intruding upon the

bounds of parades.

not exceeding ten dollars, to be recovered upon complaint of the officer in command at the time of such intrusion, by complaint and warrant before any justice of the peace.

Penalty for giving false certificates of inability to do military duty.

SEC. 17. Any surgeon appointed to grant certificates of disability to persons who have been enrolled as a part of the militia of the State, and who are incapable of performing military duty, who shall for any corrupt consideration, or from favor or hope of reward, grant any false certificate of disability, shall be punished by indictment before any court competent to try the same in the county in which the offence was committed, and on conviction, shall be fined not exceeding five hundred dollars, and shall be imprisoned not exceeding one year.

Fines; to whom to be paid.

SEC. 18. Any person who shall, upon any false statement under oath, obtain a false certificate of disability to perform military duty, shall be indicted for perjury in any court of competent jurisdiction, and after conviction shall be imprisoned, not exceeding two years.

Annual report of fines to be made.

SEC. 19. All fines, penalties, and forfeitures collected in pursuance of this chapter, under any of its provisions, shall be paid to the paymaster general, who shall account for the same to the general treasurer, and shall make an annual report to the General Assembly of all sums by him received and accounted for.

Chartered companies may impose fines.

SEC. 20. Chartered companies may impose upon their members such other fines for a violation of their rules and by-laws as by their respective charters, it is competent for them to do, and the commanders of such companies shall have power to collect the same in the same manner as is provided in the sixth section of this chapter, and the money so collected may be retained by such companies for their own use.

CHAPTER 430.

OF COURTS MARTIAL.

Officers to be tried by court martial.

SECTION. 1. General, field, commission and staff officers shall be subject to trial by court martial, according to the usage and practice of war, for disobedience of or-

ders, unofficerlike conduct while on duty, or during any day appropriated to military exercise, inspection or review, and for neglect and violation of any duty imposed upon them by law as officers of the militia; which court martial shall consist of not less than five nor more than seven members; and the senior officer, who shall always be of a rank superior to that of the officer on trial, shall preside. How composed.

SEC. 2. The court martial for the trial of an officer under the grade of a field officer, shall be appointed by the commanding officer of the brigade to which he belongs; and for the trial of an officer of the grade of a field officer, or for the trial of a general officer, by the Governor. How appointed.

SEC. 3. In every court martial, there shall be a judge advocate, who shall discharge the duties of that office according to the usage and practice of courts martial; and no other person shall be admitted to prosecute an arrested officer. Judge advocate.

SEC. 4. Whenever a court martial shall be ordered, the order shall designate the time and place of holding the same, the name of the officer to preside, and the names and ranks of the other officers of which the court is to be composed. Order for a court martial.

SEC. 5. If the court shall be ordered by the commander-in-chief, the order shall be as follows, to wit: Form of order.

State of Rhode Island, &c.

GENERAL ORDERS.

"A general court martial is ordered to assemble at on the day of A. D. for the trial of such persons as may be brought before them, to consist of members to be taken from the division, to wit: the major general brigadier general or generals, colonel or colonels lieutenant colonel or colonels. Major General will preside. The adjutant of the regiment will furnish an orderly sergeant to attend and execute the orders of the court." (To be signed by the commander-in-chief, or by the adjutant general by his order.)

SEC. 6. If the court be ordered by a brigadier general, the order shall be as follows: Form when ordered by brigadier general.

BRIGADE ORDERS FOR THE BRIGADE OF RHODE ISLAND MILITIA.

A general court martial for the brigade, will assemble at on the day of A. D. for the trial of such persons as shall be brought before them, to consist of members, to wit: colonels, lieutenant colonels, majors, (and if any,) captains, lieutenants. Colonel will preside. The adjutant of company or regiment will furnish an orderly sergeant to attend and execute the orders of the court. (To be signed by the brigadier general, or by the brigade major, by his order.)

For a general court martial.

SEC. 7. For a general court martial, the adjutant general shall notify all general officers, and give notice of the other officers detailed, to the brigade majors, who shall notify said officers, and make return thereof to the adjutant general.

For a brigade court martial.

SEC. 8. For a brigade court martial, the brigade major shall notify the field officers required to serve on said court martial, and notify the respective adjutants of the other officers detailed; and the adjutant of each chartered company or regiment shall notify them and make return thereof to the brigade major.

When a general officer is to be tried

SEC. 9. If the officer to be tried be a general officer, he shall be furnished with a copy of the order for said court, and a copy of the charges against him, by the adjutant general, or by a brigade inspector, as the Governor shall direct, thirty days before the sitting of said court, who shall make return thereof, with the names of the officers of said court.

When under the rank of a field officer.

SEC. 10. If the officer to be tried, be under the rank of a field officer, he shall be furnished with like copies, twenty days before the sitting of the said court, by a brigade major, or by the adjutant of the chartered company or regiment to which he belongs, as the officer ordering the court martial shall direct; who shall return the same, and the names of the officers composing the court, to the judge advocate general.

Of witnesses and by whom summoned.

SEC. 11. It shall be the duty of the judge advocate general, or the officer appointed to act in that capacity, to summon or cause to be summoned, such witnesses on the part of the State as may be necessary, by subpœna

signed by the officer ordering the court, or by the president thereof, or by said judge advocate; and the accused shall be entitled to like process to procure the attendance of his witnesses; which process shall be served by the judge advocate, or by any disinterested person deputed by him.

Charges; how made and how addressed.

SEC. 12. All charges shall be made out in due form, by way of complaint, and signed by the party complaining, and addressed to the officer whose duty it is to order the court, specifying the act or neglect of which the accused is supposed to be guilty, and praying due process, before said officer shall order a court martial for the trial of said officer accused.

Members of courts to appear in full uniform.

SEC. 13. The members of the court shall appear in full uniform, and before they enter upon the trial of any person accused, shall take the following oath, to wit: "You swear (or affirm) that you will truly try and determine according to the evidence given in court, the matter depending between this State and the officer (or officers) now to be tried; and that you will not divulge the sentence of the court until the same has been approved or disapproved pursuant to law; and that you will not, at any time, disclose the vote or opinion of any member of this court, unless required to do so in due course of law. So help you God." Or this affirmation you make and give upon the peril of the penalty of perjury. And the foregoing oath shall be administered by the judge advocate; but all other oaths which it may be necessary to administer, during the continuance of the court, may be administered either by him, or any general or field officer.

Judge advocate to attend all prosecutions

SEC. 14. The judge advocate general shall attend to all prosecutions; and in his absence there shall be appointed by the officer ordering the court martial, a judge advocate for each court martial, who shall perform all the duties of that office, and who shall take the following oath, to wit: "You swear (or affirm) that you will not, at any time whatever, disclose the vote or opinion of any member of this court martial, unless required to do so in the due course of law, nor divulge the sentence of the court until the same has been approved or disapproved according to law; and that you will faithfully and impartially discharge the duty of

judge advocate, according to the best of your abilities, so help you God." Or this affirmation you make and give upon the peril of the penalty of perjury. And said oath may be administered by a judge of any court, or any justice of the peace in the State; and a certificate thereof shall be made on the warrant of the judge advocate, by the person administering the oath.

Form of oath and how administered.

When objections are made to members of the court.

SEC. 15. If, on trial, the accused shall object to any one or more members of the court, he shall state the ground of his objection, and if it appear to the court sufficient, the member or members objected to shall leave their seats, and if the number remaining be less than five, the court shall be adjourned for a reasonable time, that the officer ordering the court may detail others to supply the place or places vacated by such member or members.

Sentence of how enforced.

SEC. 16. No sentence of a court martial shall be carried into effect, unless passed by the concurrent vote of two-thirds of the court, and approved by the Governor.

Penalty if an officer does not attend court.

SEC. 17. In case an officer under arrest shall refuse or neglect to attend a court martial according to orders and notice given him, he shall, by said court, be sentenced to pay a fine not exceeding two hundred dollars, and be cashiered, with disability of ever after holding any military office in the State; unless he be prevented from attending such court martial by reason of sickness, or some other reasonable cause; in which case the court shall have power to adjourn; and notice thereof shall be given to the arrested officer, by the judge advocate, at least ten days before the day to which the court shall have been adjourned.

Sentence; how enforced in case the presiding officer dies.

SEC. 18. In all cases in which a fine and costs or imprisonment shall be awarded by a court martial, and the sentence of such court shall be approved by the Governor, and the president of such court shall die, be discharged or promoted without having issued a warrant of distress or mittimus for such fine and costs or imprisonment, it shall be the duty of the member of said court next in rank to said president to issue said warrant or mittimus.

Penalty if witnesses refuse to testify.

SEC. 19. If any witness duly summoned, shall refuse to obey such summons, he shall be committed to the jail in the county in which he resides, by a warrant

from the president of the court, directed to the sheriff, or a deputy sheriff of said county, there to be held at his own expense, until he will conform and give evidence in the case, or until discharged by due course of law.

Fees and expenses of witnesses; how allowed.

SEC. 20. All witnesses summoned on the part of the State, and the judge advocate summoning them, shall, for travel and attendance, have the same fees that are allowed in civil causes, to be taxed by the president of the court; which expenses shall be paid to the judge advocate by the State, and when received by him, to be paid over to the persons to whom they are due.

How collected if the delinquent is under sentence.

SEC. 21. If the sentence of the court be against the accused, and the same shall be approved by the Governor, the said expenses shall, by warrant under the hand and seal of the president of the court, directed in the manner aforesaid, be collected of the delinquent, and paid to the pay master general.

Fees and expenses of members.

SEC. 22. The members and officers of said court shall be allowed eight cents per mile travel to and from the place of holding said court, and one dollar for each day during its sitting; and there shall be allowed to the person in whose house said court shall be held, not exceeding two dollars per day, in full of all expenses for room rent, fuel and lights; and which shall be paid from the State treasury.

How paid.

Judge advocate's fees for recording.

SEC. 23. The judge advocate shall be allowed twenty-five cents for each legal page of the copy of the proceedings and records of the court martial, to be taxed and paid in the same manner.

Power of commander-in-chief over sentences of courts martial.

SEC. 25. The Governor shall have power to approve or disapprove all sentences passed by courts martial, and mitigate or remit any punishment awarded by them, or any part thereof; and the record of all proceedings and sentences of courts martial, and of the approval, mitigation or remission by the commander-in-chief, shall be deposited by the respective judge advocates, in the office of the adjutant general.

CHAPTER 431.

OF BOARDS OF OFFICERS AND COURTS OF INQUIRY.

Board of officers how appointed.

SECTION 1. The Governor shall appoint annually a board of officers, to be composed of not less than three members, for the purpose of examining into the manner in which the business of the various military offices is conducted, and for the purpose of examining into the qualifications of any military officer, or for the purpose of advising the Governor upon any military question.

Power of courts of enquiries.

SEC. 2. Said board shall have power to summons before them any officer of the militia, for the purpose of ascertaining his capacity and qualifications to discharge the duties of his office, and shall report their conclusions to the Governor, who may, if the report of such board is adverse to such officer, suspend him from his office, and if within ten days after such suspension he shall demand the same, shall order him to be tried by a court martial.

Incompetent officers; how removed.

SEC. 3. If the court shall pronounce such officer to be unfit or incompetent to discharge the duties of his office, the Governor may vacate his commission and appoint some suitable person in his stead.

Organization of boards.

SEC. 4. General and brigade courts of inquiry, shall consist of three officers, to be appointed by the commander-in-chief; and they may be ordered and organized in the like manner as courts martial, and under the same regulations, may examine into the nature of any transaction, or any imputation or accusation against any officer, made by an inferior.

Vacancies.

SEC 5. All vacancies shall be filled as in courts martial.

Oath of members and how administered.

SEC. 6. The judge advocate shall administer to each of the officers composing a court of inquiry, the following oaths or affirmation:

You, A. B., do swear, or affirm, that you will well and truly examine and inquire into the matter now before you, without fear, favor, partiality, prejudice or hope of reward. So help you God. Or, this affirmation you make and give upon the penalty of perjury.

After which, the president shall administer to the judge advocate the following oath:

You, A. B., do swear that you will impartially record the proceedings of the court, and the evidence to be given in the case now in hearing. So help you God. Or, this affirmation you make and give upon the peril of the penalty of perjury. Oath of Judge advocate.

Sec. 7. Witnesses shall be summoned in the same manner, take the same oath, and be examined and cross-examined by the parties in the same way, as on trials before courts martial; but the court shall not give their opinions on the merits of the case unless specially requested so to do. All the proceedings therein shall be recorded, and with the papers and the documents used therein, authenticated, and transmitted by the judge advocate, to the officer who ordered the court. Witnesses; how summoned and examined.

Sec. 8. The pay and fees of boards of officers and courts of inquiry shall be the same as in courts martial. Pay and fees of officers of board

CHAPTER 432.

GENERAL PROVISIONS.

Section 1. No person, except an officer acting by authority of the United States to enlist recruits for the army or navy of the United States, shall enlist any inhabitants of this State, to serve in any military force organized or to be organized by the authority of any other State, without a warrant from the Governor permitting him so to do; and any person who without such authority first had and obtained, shall attempt to induce any inhabitant of this State to enlist in such military organization, shall be fined twenty dollars for each offence, to be prosecuted for by complaint and warrant before any justice of the peace. Persons enlist recruits for other States. Fine for enlisting without authority.

Sec. 2. For the purpose of enabling the system established by this Title to be more successfully carried into effect, the enrollment now being made in this State, under the orders of the War Department of the United States, is hereby adopted as the enrollment of the mili- Special enrollment to be made.

Repeal of former militia act.

tia of this State, until the first enrollment provided for by this act shall have been made.

SEC. 3. Title XXXIV of the Revised Statutes, and all acts and part of acts inconsistent herewith, are hereby repealed; *provided, however*, that the charters and corporate rights of the existing and organized chartered companies of this State shall remain in full force, except in particulars in conflict with the provisions of this Title.

SEC. 4. This act shall take effect from and after its passage.

CHAPTER 433.

[Passed Sept. 6, 1862.]

AN ACT TO PROVIDE FOR AN UNIFORM BOUNTY TO BE PAID BY THE STATE TO VOLUNTEERS, AND FOR OTHER PURPOSES.

It is enacted by the General Assembly as follows:

State will reimburse towns.

SECTION 1. The State will reimburse the several towns of the State, in the manner hereinafter provided, for the expenses incurred by them in furnishing their respective quotas of men in response to the call of the President of the United States, dated July 2d, 1862, for 300,000 additional troops to serve for three years or the war, to the extent of three hundred dollars for each man to whom a town bounty has been paid, or agreed to be paid, and who has been mustered into the service of the United States. *Provided, however*, that no town shall receive a greater sum from the State for any man furnished under said call than by such town has been actually paid or agreed to be paid, to such man, as bounty.

What amount may be reimbursed.

Amount the towns are entitled to.

SEC. 2. As soon as the number of men furnished by all the towns of the State, and the sum to which each town may be entitled under the provisions of the preceding section to receive, shall have been ascertained to the satisfaction of Benjamin Finch, of Newport, and William M. Bailey, of North Providence, who are hereby appointed Commissioners for that purpose, and who, when they shall have ascertained the number of men

Commissioners.

and the sum to which each town is entitled as aforesaid, shall report the same to the General Treasurer, and said Treasurer shall pay, in the bonds of the State or otherwise, to each town the sum to which it is entitled; and to enable him so to do, he is hereby authorized and directed to issue the bonds of the State to an amount sufficient to cover the appropriation hereby made, payable in twenty years from the date of the same, with interest not exceeding six per cent. per annum, payable semi-annually on the presentation and surrender of the interest warrants attached to the same.

General Treasurer to issue bonds to meet appropriations

Sec. 3. So much of the act of August, A. D. 1861, being Chapter 389 of the Revised Statutes, as allows towns to raise money and make appropriations as bounties to volunteers, is hereby repealed, and no town shall make payment to any volunteer enlisting after the passage of this act, of any bounty heretofore offered by such town under the authority of the provisions of the act above referred to.

Repeal of act allowing towns to pay monies.

Sec. 4. Hereafter there shall be paid by the State to each person who shall volunteer under the call of the President of the United States, dated July 2d, 1862, to serve for three years or the war, and to each person who shall enlist to recruit any regiment or battery from this State heretofore raised in response to the call of the President of the United States for 500,000 additional troops, dated August 3d, 1861, the sum of three hundred dollars, which sum shall be paid to each man so enlisting after he shall have been mustered into the service of the United States, and when he shall have been ordered to leave the State by competent military authority.

Amount of bounty to be paid.

Sec. 5. So much of Section 1, Chapter 387, of the Revised Statutes, passed at a special session in August, 1861, as provides for the payment by the State of a bounty of fifteen dollars to every non-commissioned officer, private and musician who should enlist after the 16th day of June, 1861, is hereby repealed.

Act providing for $15 bounty repealed.

Sec. 6. After the quota of this State shall have been supplied under the call of the President of the United States, dated July 2d, 1862, for 300,000 additional troops for three years or the war, the bounty of the State to be paid to any volunteer for a service of three years or the war, in response to any future call of the

Bounty for future calls for troops.

President of the United States which may be made upon this State, shall be the sum of one hundred dollars, to be paid after such volunteer shall have been mustered into the service of the United States, and when he shall have been ordered to leave the State by competent military authority.

Bounty for nine months men.

SEC. 7. The Governor is authorized and directed to pay to each person who shall enlist in the service of the United States as a volunteer, for a period of nine months, under the call of the President of the United States, for 300,000 men, dated August 9, 1862, or who may be accepted as a substitute for any man who may be drafted to serve under the call the sum of one hundred and fifty dollars; fifty dollars of which shall be paid to such volunteer, or substitute, when and as soon as he shall have been mustered into the service of the United States, and the remainder when he shall have been ordered to leave the State by competent military authority; and to each man who may be drafted, and shall serve as a drafted man under said call, the sum of one hundred dollars; twenty-five of which shall be paid when he shall have been mustered into the service of the United States, and the remainder when he shall have been ordered to leave the State by competent military authority.

When and how paid.

SEC. 8. This act shall take effect from and after its passage.

CHAPTER 434.

[Passed Sept. 2, 1862.]

AN ACT IN ADDITION TO TITLE VII., CHAPTER 30, OF THE REVISED STATUTES—"OF THE POWERS OF AND OF SUITS BY AND AGAINST TOWNS."

It is enacted by the General Assembly as follows:

Towns may appropriate monies to aid families of soldiers.

SECTION 1. Hereafter the several towns are authorized to appropriate and raise money for the purpose of rendering assistance to the families and dependents of those who may be mustered into the army of the United States from this State, to serve under any of the calls which have been heretofore made, or which may hereafter be made upon this State, by the President of the

United States, to an amount not exceeding four dollars per week to the family of any one man.

SEC. 2. Nothing in the preceding section contained, shall be construed to affect any contract to render aid to his family, which has heretofore been made by any town with any person who, before the passage of this act, has enlisted in the service of the United States.

SEC. 3. The act passed at the August session, A. D. 1861, being chapter 389, of the Revised Statutes, is hereby repealed.

CHAPTER 435.

[Passed Sept. 2, 1862.]

AN ACT TO MEET THE APPROPRIATIONS PROVIDED FOR IN THE ACT TO PROVIDE FOR A UNIFORM BOUNTY TO BE PAID BY THE STATE TO VOLUNTEERS, AND FOR OTHER PURPOSES, PASSED AUGUST SESSION, A. D. 1862.

It is enacted by the General Assembly as follows:

General Treasurer shall issue $1,200,000 in bonds.

SECTION 1. The General Treasurer is hereby authorized, by and with the advice of the Governor, to issue the bonds of the State, for an amount not exceeding twelve hundred thousand dollars, in such sums as the Governor shall direct, bearing interest not exceeding six per cent. per annum, payable in twenty years from the first day of September, 1862, which said bonds shall not be issued or sold by the General Treasurer at less than their par. Interest on said bonds payable semi-annually, and coupons, for the payment of the same, signed by the General Treasurer, shall be attached to said bonds. The bonds hereby authorized shall be signed by the General Treasurer and countersigned and registered by the Secretary of State.

CHAPTER 436.

[Passed Sept. 4, 1862.]

AN ACT TO PREVENT FALSE CERTIFICATES OF DISABILITY TO PERFORM MILITARY SERVICE.

It is enacted by the General Assembly as follows:

Penalty for granting false certificates of disability.

SECTION 1. Any surgeon appointed to grant certificates of disability to persons who have been enrolled as a part of the militia of the State, and who are incapable of performing military duty, who shall for any corrupt consideration, or from favor or hope of reward, grant any false certificate of disability, shall be punished by indictment before any court competent to try the same, in the county where the offence was committed, and on conviction shall be fined not exceeding five hundred dollars, and shall be imprisoned not exceeding one year.

SEC. 2. In all cases where any person applies for a certificate of his disability, when he claims exemption on account of any bodily defect or inability which can be ascertained by personal examination, no certificate shall be given without such personal examination by the physician or surgeon, and in all cases the applicant shall be examined under oath, and all persons receiving certificates from any surgeon or physician shall be liable to re-examination, if the Commissioner think proper, by the Surgeon General of the State.

Re-examination may be made.

SEC. 3. All persons who have heretofore received certificates of disability or exemption shall be open to examination by the Surgeon General on the order of the Commissioner.

SEC. 4. This Act shall take effect immediately.

CHAPTER 437.

[Passed Sept. 6, 1862.]

AN ACT EXEMPTING FROM ARREST ON CIVIL PROCESS CERTAIN PERSONS IN THE SERVICE OF THE UNITED STATES.

It is enacted by the General Assembly as follows:

Exemptions from arrest on civil process.

SECTION 1. The body of every officer, non-commissioned officer, private, and musician, who has been or who shall hereafter be mustered into the service of the United States, as a part of the quota of his State, under any call of the President of the United States, which has been or which may hereafter be made for volunteers; and the body of every officer, non-commissioned officer, private, and musician, who shall be mustered into the service of the United States, as a part of the quota of this State, under any call of the President of the United States, which has been or which may hereafter be made upon this State for militia, shall be exempted from arrest on any civil process, and his property shall not be liable to be attached, or taken in execution, or on warrant of distress, for and during the period of his service and for thirty days thereafter.

Suits, and when suspended.

SEC. 2. All suits or remedies against any person who has become bail, or entered into recognizance for the appearance of any person, who has been or who shall hereafter be mustered into the service of the United States, as a part of the quota of volunteers or militia required of this State, shall be suspended for and during such time as the principal shall remain in the service of the United States and for the period of thirty days thereafter.

SEC. 3. Nothing in the preceding section contained shall be construed to affect the right of any creditor to enforce his writ of execution in case he has obtained final judgment on *scire facias* before the passage of this act.

SEC. 4. This act shall take effect immediately.

CHAPTER 438.

[Passed Sept. 6, 1862.]

AN ACT AUTHORIZING THE GOVERNOR TO PURCHASE ARMS AND EQUIPMENTS FOR THE MILITIA.

It is enacted by the General Assembly as follows:

Governor may purchase arms and equipments.

SECTIONS 1. His Excellency the Governor is hereby authorized to purchase such number of serviceable arms as may be necessary, with their proper equipments, for the purpose of arming and equipping the militia of the State; and the General Treasurer is hereby directed to pay the expense of the same upon the order of the Governor.

RESOLUTIONS.

[Passed Sept. 6.]

RESOLUTION requiring the commanding officers of the 9th and 10th regiments to report to the Adjutant General of the State.

Whereas, There is now pending before this General Assembly a petition from the commanding officers of the companies in the 10th Regiment of Rhode Island volunteers, asking for an appropriation for the payment of the men who volunteered in said regiment, and were discharged at Washington, by reason of their being under age; therefore, it is

Resolved, That the late commanding officers of the 9th and 10th regiments be and are hereby directed to report the names of said men, and the time they served in said regiments, and the reasons for their discharge to the Adjutant General of this State, on or before the first Monday of December, 1862.

[Passed Sept. 6, 1862.]

RESOLUTIONS authorizing the Governor to appoint a State Commissioner to receive allotment money.

Whereas, The President of the United States has appointed two Allotment Commissioners for the State of Rhode Island, to receive and collect the money transmitted by the different regiments and batteries for the benefit of the families of the soldiers of such regiments and batteries, as they are disposed to send home; therefore, it is

Resolved, By this General Assembly, that the Governor be and is hereby authorized to appoint some suitable person a State Commissioner, whose duty it shall be to arrange with the Allotment Commissioners, for their services for collecting the said allotment money, and to receive and disburse the same to the families of said soldiers, as they may direct, and to take proper and sufficient vouchers for the same, and to make returns of his doings to the Quartermaster General of the State of Rhode Island, on the first Mondays of January and July in each year; and the Quartermaster General is hereby authorized to draw upon the General Treasurer for such compensation as the said State Commissioner shall, with the concurrence of the Governor, allow for the services of said Allotment Commissioners, to be fairly adjusted with reference to, and to be made dependant upon, the amount of money collected by such Allotment Commissioner.

And, whereas, Also, it is expedient for the purpose of preventing delay to soldiers and their families who may become entitled to pensions from the government of the United States, in procuring their just claims, the State Commissioner above appointed is hereby authorized, at the expense of the State, to prosecute all claims of soldiers or their families against the United States for pensions or for bounties.

And, whereas, Also, it is expedient that some means should be adopted for the prompt settlement of all questions in relation to assistance furnished to the families of volunteer soldiers who enlisted in Massachusetts regiments, and from towns formerly belonging to Massachusetts, which towns now form a part of the State of

Rhode Island, and also in relation to assistance furnished to the families of volunteer soldiers who enlisted in Rhode Island regiments, and from towns formerly belonging to Rhode Island, which last mentioned towns now form a part of the State of Massachusetts, therefore,

Resolved, That the State Commissioner above appointed be directed to report to the General Assembly, at its next session, all the facts and documents in relation to the case, and thereupon this General Assembly will make such provision therefor as the justice of the case requires.

[Passed Sept. 1.]

RESOLUTION authorizing the Governor to procure enlistments and to defray the expenses thereof.

Resolved, That his Excellency the Governor be, and he is hereby authorized, in case he thinks the exigency requires it, to procure such aid or assistance as he may think advisable to obtain enlistments; and that he be authorized to draw on the General Treasurer for such expense, provided that the sum paid shall not exceed ten dollars for each man so procured and enlisted.

[Passed Sept. 6.]

RESOLUTION authorizing the Governor to order a re-examination of persons claiming to be exempt from military duty from physical disability.

Resolved, That the Governor be authorized to order a re-examination in any town of those claiming exemption for physical disability, whenever he deems proper, and to appoint a surgeon to make such examination.

[Passed Sept. 2.]

RESOLUTION providing for the subsistence of substitutes for drafted men.

Resolved, That his Excellency the Governor is hereby authorized to make all necessary provision for the subsistence of all substitutes for drafted men until they shall have been mustered into the service of the United States.

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